



General Assembly

February Session, 2012

Amendment

LCO No. 4424

SB0025404424SD0

Offered by:

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To: Subst. Senate Bill No. 254

File No. 364

Cal. No. 269

**"AN ACT RESTRICTING THE APPLICATION OF FERTILIZERS
THAT CONTAIN PHOSPHATE."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2013*) (a) For the purposes of
4 this section:

5 (1) "Established lawn" means any area of ground that is covered
6 with any species of grass for two or more growing seasons and that is
7 customarily kept mowed;

8 (2) "Golf course" means an area solely designated for the play or
9 practice of the game of golf, including, but not limited to, surrounding
10 grounds, trees and ornamental beds; and

11 (3) "Impervious surface" means any structure, surface or
12 improvement that reduces or prevents absorption of stormwater into

13 land, including, but not limited to, porous paving, paver blocks,
14 gravel, crushed stone, decks, patios and elevated structures.

15 (b) Notwithstanding chapter 427a of the general statutes, no person
16 shall apply fertilizer, as defined in section 22-111b of the general
17 statutes, any soil amendment, as defined in section 22-111aa of the
18 general statutes, or any compost that contains phosphate to an
19 established lawn, except when: (1) A soil test approved by the
20 Commissioner of Agriculture and performed within the previous two
21 years indicates the soil is lacking in phosphorus and fertilizer, soil
22 amendments or compost containing phosphate is needed for the
23 growth of such lawn, or (2) such fertilizer, soil amendment or compost
24 containing phosphate is used for establishing new grass or repairing
25 such lawn with seed or sod.

26 (c) The provisions of this section shall not apply to: (1) Property
27 classified as agricultural land, as defined in section 22-26bb of the
28 general statutes, or (2) a golf course.

29 (d) Notwithstanding subsection (b) of this section, no person shall
30 apply any fertilizer, as defined in section 22-111b of the general
31 statutes, soil amendment, as defined in section 22-111aa of the general
32 statutes, or compost that contains phosphate to any lawn during the
33 period beginning December first and ending March fifteenth of the
34 following year.

35 (e) Notwithstanding chapters 427a and 441 of the general statutes
36 and subsections (b) and (d) of this section, no person shall apply any
37 fertilizer, as defined in section 22-111b of the general statutes, soil
38 amendment, as defined in section 22-111aa of the general statutes, or
39 compost that contains phosphate to any portion of a lawn that is
40 located twenty feet or less from any brook, stream, river, lake, pond,
41 sound or any other body of water, except if such fertilizer, soil
42 amendment or compost is applied with the use of a drop spreader,
43 rotary spreader with a deflector or targeted spray liquid, such
44 application may occur on any portion of lawn that is located not less

45 than fifteen feet from any such brook, stream, river, lake, pond, sound
46 or any other body of water.

47 (f) No person shall apply any fertilizer, as defined in section 22-111b
48 of the general statutes, soil amendment, as defined in section 22-111aa
49 of the general statutes, or compost that contains phosphate to any
50 impervious surface.

51 (g) For use by the general public or posting and distribution at retail
52 points of sale, the Commissioner of Agriculture may approve
53 consumer information on use restrictions and best practices for
54 fertilizer, soil amendments and compost that contain phosphate.

55 (h) The Commissioner of Agriculture may adopt regulations, in
56 accordance with chapter 54 of the general statutes, to implement the
57 provisions of this section.

58 (i) Any person who violates subsection (b), (d), (e), (f) or (g) of this
59 section shall be assessed a civil penalty by the Commissioner of
60 Agriculture of five hundred dollars.

61 (j) Nothing in this section shall be construed to prohibit the use of
62 any fertilizer, soil amendment or compost that contains 0.67 per cent or
63 less phosphate.

64 Sec. 2. Subsection (c) of section 22a-478 of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective from*
66 *passage*):

67 (c) The funding of an eligible water quality project shall be pursuant
68 to a project funding agreement between the state, acting by and
69 through the commissioner, and the municipality undertaking such
70 project and shall be evidenced by a project fund obligation or grant
71 account loan obligation, or both, or an interim funding obligation of
72 such municipality issued in accordance with section 22a-479. A project
73 funding agreement shall be in a form prescribed by the commissioner.
74 Eligible water quality projects shall be funded as follows:

75 (1) A nonpoint source pollution abatement project shall receive a
76 project grant of seventy-five per cent of the cost of the project
77 determined to be eligible by the commissioner.

78 (2) A combined sewer project shall receive (A) a project grant of fifty
79 per cent of the cost of the project, and (B) a loan for the remainder of
80 the costs of the project, not exceeding one hundred per cent of the
81 eligible water quality project costs.

82 (3) A construction contract eligible for financing awarded by a
83 municipality on or after July 1, [1999] 2012, as a project undertaken for
84 [nitrogen] nutrient removal shall receive a project grant of thirty per
85 cent of the cost of the project associated with [nitrogen] nutrient
86 removal, a twenty per cent grant for the balance of the cost of the
87 project not related to [nitrogen] nutrient removal, and a loan for the
88 remainder of the costs of the project, not exceeding one hundred per
89 cent of the eligible water quality project costs. [Nitrogen] Nutrient
90 removal projects under design or construction on July 1, [1999] 2012,
91 and projects that have been constructed but have not received
92 permanent, Clean Water Fund financing, on July 1, [1999] 2012, shall
93 be eligible to receive a project grant of thirty per cent of the cost of the
94 project associated with [nitrogen] nutrient removal, a twenty per cent
95 grant for the balance of the cost of the project not related to [nitrogen]
96 nutrient removal, and a loan for the remainder of the costs of the
97 project, not exceeding one hundred per cent of the eligible water
98 quality project costs.

99 (4) If supplemental federal grant funds are available for Clean Water
100 Fund projects specifically related to the clean-up of Long Island Sound
101 that are funded on or after July 1, [2003] 2012, a distressed
102 municipality, as defined in section 32-9p, may receive a combination of
103 state and federal grants in an amount not to exceed fifty per cent of the
104 cost of the project associated with [nitrogen] nutrient removal, a
105 twenty per cent grant for the balance of the cost of the project not
106 related to [nitrogen] nutrient removal, and a loan for the remainder of
107 the costs of the project, not exceeding one hundred per cent of the

108 allowable water quality project costs.

109 (5) A municipality with a water pollution control project, the
110 construction of which began on or after July 1, 2003, which has (A) a
111 population of five thousand or less, or (B) a population of greater than
112 five thousand which has a discrete area containing a population of less
113 than five thousand that is not contiguous with the existing sewerage
114 system, shall be eligible to receive a grant in the amount of twenty-five
115 per cent of the design and construction phase of eligible project costs,
116 and a loan for the remainder of the costs of the project, not exceeding
117 one hundred per cent of the eligible water quality project costs.

118 (6) Any other eligible water quality project shall receive (A) a project
119 grant of twenty per cent of the eligible cost, and (B) a loan for the
120 remainder of the costs of the project, not exceeding one hundred per
121 cent of the eligible project cost.

122 (7) Project agreements to fund eligible project costs with grants from
123 the Clean Water Fund that were executed during or after the fiscal year
124 beginning July 1, 2003, shall not be reduced according to the provisions
125 of the regulations adopted under section 22a-482.

126 (8) On or after July 1, 2002, an eligible water quality project that
127 exclusively addresses sewer collection and conveyance system
128 improvements may receive a loan for one hundred per cent of the
129 eligible costs provided such project does not receive a project grant.
130 Any such sewer collection and conveyance system improvement
131 project shall be rated, ranked, and funded separately from other water
132 pollution control projects and shall be considered only if it is highly
133 consistent with the state's conservation and development plan, or is
134 primarily needed as the most cost effective solution to an existing area-
135 wide pollution problem and incorporates minimal capacity for growth.

136 (9) All loans made in accordance with the provisions of this section
137 for an eligible water quality project shall bear an interest rate of two
138 per cent per annum. The commissioner may allow any project fund
139 obligation, grant account loan obligation or interim funding obligation

140 for an eligible water quality project to be repaid by a borrowing
141 municipality prior to maturity without penalty."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2013</i>	New section
Sec. 2	<i>from passage</i>	22a-478(c)